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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,892	09/19/2003	Mark Davis	1070P3822	6988

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EXAMINER	
TRAN, TUYETLIEN T	
ART UNIT	**PAPER NUMBER**
2179	

MAIL DATE	DELIVERY MODE
07/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/665,892	DAVIS ET AL.	
	Examiner	Art Unit	
	TuyetLien (Lien) T. Tran	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 April 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/21/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the following communication: Amendment filed 04/24/07.

This action is made final.

2. Claims 1-48 are pending in the case. Claims 1, 14, 24 and 36 are independent claims. Claims 14, 24-35 are amended claims. Claims 36-48 are new claims.

Claim Objections

3. Applicant's amendment corrects the previous objection and therefore the previous objection is withdrawn.

4. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 46 has been renumbered as 47 for purpose of examination.

Claim Rejections - 35 USC § 112

5. Applicant's amendment corrects the previous rejections and therefore the previous rejections are withdrawn.

Claim Rejections - 35 USC § 101

6. Applicant's amendment corrects the previous rejections and therefore the previous rejections are withdrawn.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-8, 14-20, 24-31, 33-35 and 36-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Wagner (Pub No US 2004/0155909 A1; hereinafter Wagner).

As to claim 1, Wagner teaches:

A method for displaying information in a handheld device (e.g., a context-based display on a mobile device, see [0046]), comprising:

displaying information in a plurality of dynamically sizable cells in a display screen of said handheld device (e.g., see Fig. 8A-8G and [0089]); and

dynamically and automatically sizing cells of said plurality of cells in response to the amount of said information to be displayed in said cells (e.g., see Fig. 8A-8G and [0089]).

As to claim 14, claim 14 reflects the system-comprising memory coupled to a bus; a processor coupled to said bus; and a display screen coupled to said bus (e.g., see Fig. 7B and [0110]), wherein said memory comprises instructions for implementing a method as claimed in claim 1, and is rejected along the same rationale.

As to claim 24, Wagner teaches:

A computer user interface (e.g., see [0046] and Fig. 5F) comprising:

A display to present a plurality of dynamically sizable on-screen displayable cells for presenting categories of daily information therein (e.g., see Fig. 3 and Fig. 4), wherein said plurality of cells comprise a first cell (e.g., a tertiary tray 400 as shown in Fig. 4) and a second cell (e.g., main portion, see Fig. 3 and [0019]) and wherein said first cell is automatically dynamically sized based on its content and also based on content of said second cell (e.g., see Fig. 3-4 and [0089]).

As to claim 36, claim 36 reflects the article-comprising a storage medium containing instructions that if executed enable a system to implemented a method as claimed in claim 1, and is rejected along the same rationale.

As to claims 2, 15 and 37, Wagner further teaches wherein said dynamically and automatically sizing is performed also in response to the number of active cells of said plurality of cells (e.g., see Fig. 5A-C).

As to claims 3, 16, and 38, Wagner further teaches wherein said sizing comprises adjusting a size of a first cell in response to an amount of information displayed in a second cell (e.g., see Fig. 8A-8G and [0089]).

As to claims 4, 17 and 39, Wagner further teaches each of said cells of said plurality of cells comprises a different category of daily information (e.g., ticker tape display 402 can present weather report and stock quotes while main portion can display event information such as 'home game', '10 am Johnson', see Fig. 3, 8G and [0059]).

As to claims 5, 18, and 40, Wagner further teaches wherein one category is daily event information (e.g., 'home game, '10 am Johnson', see Fig. 8G).

As to claims 6, 19 and 41, Wagner further teaches wherein one category is daily to-do information (e.g., 'movie invite', '10 am Johnson', see Fig. 8G and [0077]).

As to claims 7, 20 and 42, Wagner further teaches wherein one category is daily message information (e.g., item 804 in Fig. 8B).

As to claims 8 and 43, Wagner teaches display screen is a touch-screen display (e.g., an interactive mobile device display 800, see Fig. 8A and [0102]).

As to claim 25, Wagner further teaches wherein said second cell is automatically dynamically sized based on its content and also based on content of said first cell (e.g., see Fig. 8A-8G and [0089]).

As to claim 26, Wagner further teaches wherein said first cell displays daily event information (e.g., tertiary tray displays 'ski' event information, see Fig. 4).

As to claim 27, Wagner further teaches wherein said second cell displays daily to-do information (e.g., main portion displays '10 am Johnson', see Fig. 3).

As to claim 28, Wagner further teaches comprising a third cell of fixed size for on-screen displaying of daily message information (e.g., ticker tape display 402 for displaying weather report and stock quotes, see Fig. 3 and 4).

As to claim 29, Wagner further teaches wherein display of cells of said plurality of cells is capable of being suppressed and wherein said first cell is enlarged in response to display of said second cell being suppressed (e.g., see main portion and tertiary tray shown in Fig. 3 and Fig. 4).

As to claim 30, Wagner further teaches wherein display of cells of said plurality of cells is capable of being suppressed and wherein said second cell is enlarged in response to said third cell (as mentioned above, this limitation is interpreted as said first cell) being suppressed (e.g., see main portion and tertiary tray shown in Fig. 3 and Fig. 4).

As to claim 31, Wagner further teaches wherein display of cells of said plurality of cells is capable of being suppressed (e.g., see main portion and tertiary tray shown in Fig. 3 and Fig. 4).

As to claim 33, Wagner further teaches wherein said first cell comprises a minimum size definition and wherein further said first cell is decreased in size if its content requires less size than its minimum size definition (e.g., see Fig. 8A-D).

As to claim 34, Wagner further teaches wherein said first cell is increased in size provided its content requires more size than its minimum size definition and provided further that said second cell is decreased in size below its minimum size definition (e.g., see 8H).

As to claim 35, Wagner further teaches wherein said first cell displays daily event information (e.g., tertiary tray displays 'ski' event information, see Fig. 4), wherein said second cell displays daily to-do information (e.g., main portion displays '10 am Johnson', see Fig. 3) and further comprising a third cell of fixed size for on-screen displaying of daily message information (e.g., ticker tape display 402 for displaying weather report and stock quotes, see Fig. 3 and 4).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 9-13, 21-23, 32 and 44-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner in view of Kato et al. (Patent No US 6297795 B1, hereinafter Kato).

As to claims 9, 21 and 44, Wagner teaches the limitations of claims 1, 14 and 36 for the same reasons as discussed with respect to claims 1, 14 and 36 above. Wagner does not expressly teach that the display screen is switchable between a small display mode which is substantially square in shape and a tall display mode which is substantially rectangular in shape.

Kato, though, teaches display screen is switchable between a small display mode which is substantially square in shape and a tall display mode which is substantially rectangular in shape (e.g., display device is switchable between wide space and narrow space and between portrait and landscape mode, see Fig. 12-14).

Wagner and Kato are analogous art because they are from the same field of endeavor of displaying information in a portable device (e.g., see Kato col. 12 lines 8-24). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to have used display mode switching function as taught by Kato to the display of the portable device used to display information as taught by Wagner because Wagner's teaching can be applied to any type of mobile device such as PDA (e.g., see Wagner [0052]). The motivation to combine the teachings of Wagner with Kato is to allow for a relatively larger display area on small devices while still allowing full functionality of the device.

As to claims 10, 22 and 45, Kato further teaches substantially rectangular display screen is oriented in a portrait mode (e.g., display device is switchable between portrait and landscape mode, see Fig. 12-14). Thus, combing Wagner and Kato would meet the claimed limitations for the same reasons as discussed with respect to claims 9, 21 and 44 above.

As to claims 11, 23 and 46, Kato further teaches substantially rectangular display screen is oriented in a landscape mode (e.g., display device is switchable between portrait and landscape mode, see Fig. 12-14). Thus, combing Wagner and Kato would meet the claimed limitations for the same reasons as discussed with respect to claims 9, 21 and 44 above.

As to claims 12 and 46 (renumbered as 47), Wagner further teaches suppressing display of a first cell (e.g., tertiary tray in Fig. 3) of said plurality of cells (e.g., note tertiary tray is suppressed, see Fig. 3 and Fig. 4).

As to claims 13 and 48, Wagner further teaches enlarging the area of a second cell in response to said first cell being suppressed (e.g., note the size of the main portion is enlarged when a tertiary tray is suppressed, see Fig. 3 and Fig. 4).

As to claim 32, Wagner and Kato teach the limitations of claim 23 for the same reasons as discussed with respect to claim 23 above. Wagner further teaches wherein display of cells of

said plurality of cells is capable of being suppressed and wherein said first cell is enlarged in response to display of said second cell being suppressed (e.g., see main portion and tertiary tray shown in Fig. 3 and Fig. 4).

Response to Arguments

11. Applicant's arguments filed 4/24/07 have been fully considered but they are not persuasive.

Applicant's arguments that the prior art of Wagner fails to teach each and every element recited in the claims, specifically, the prior art of Wagner fails to teach the following language: "dynamically and automatically sizing cells of said plurality of cells in response to the amount of said information to be displayed in said cells" (e.g., see Applicant's remark page 12 Para 4 through page 13 Para 1).

Examiner respectfully disagrees and submits that the prior art of Wager teaches the limitation of dynamically and automatically sizing cells of said plurality of cells in response to the amount of said information to be displayed in said cells (e.g., see Fig. 8A-8G and [0089]; note the cells are sized depending on the amount of information to be displayed in the cells; for example, Figs. 8C and 8D shows maximizing the size of the main cell 812 and minimizing the size of the tray cell 830 because the amount of information needed to be displayed is the only one that is currently displayed in the main cell 812; in different scenario, the sizes of the cells will be sized/resized when the amount of information needed to be displayed changes such as the size of the main cell 812 is reduced while the size of the tray cell 830 is increased when the amount of information in the cells needed to be displayed increases when the tray cell 830 is opened as demonstrated in Fig. 8G).

Applicant's arguments that the display portions of the prior art of Wagner are not resized "in response to the amount of information to be displayed in said cells", rather, the resizing occurs in response to the opening of a new portion in the display area (e.g., see Applicant's remark page 13 Para 6).

Examiner respectfully disagrees and submits that the prior art of Wager teaches that the display portions of Wagner are resized in response to the amount of information to be displayed in said cells (e.g., see Fig. 8A-8G and [0089]; note that when the tray cell 830 is opened, the information needed to be displayed increases; as such "opening of a new portion" is interpreted as changing the amount of information to be displayed in said cells, and in response to the changing the amount of information to be display, the sizes of the cells (e.g., the main portion 812 and the tray cell 830) are resized as shown in Fig. 8G). In addition, the examiner would like to point out that the features upon which applicant relies (i.e., without opening of a new portion) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's arguments that the cited figures taught by the prior art of Wagner teaches the amount of information in the main portion remains the same after the tertiary tray is opened (e.g., see Applicant's remark page 13 Para 6 through page 14 Para 1).

Examiner respectfully disagrees and would like to point out that the features upon which applicant relies (i.e., the amount of information in a cell remains the same) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's arguments that the tertiary tray in Wagner is not dynamically and automatically sized in response to the amount of said information to be displayed (e.g., see Applicant's remark page 14 Para 2).

Examiner respectfully disagrees and submits that the tertiary tray 830 is dynamically and automatically sized in response to the amount of said information to be displayed (e.g., see Fig. 8A-8G and [0089]; note that when the tray cell 830 is closed, the information needed to be displayed is the one that is currently displayed in the main cell 812; therefore, the size of the tray cell 830 is minimized while the size of the main cell 812 is maximized as shown in Figs. 8C and 8D; and when the tray cell 830 is opened, the information needed to be displayed increases; and in response to the changing the amount of information to be display, the sizes of the cells (e.g., the main portion 812 and the tray cell 830) are resized as shown in Fig. 8G). In addition, the examiner would like to point out that the features upon which applicant relies (i.e., scrolling arrows) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that there is no suggestion to combine the references (e.g., see Applicant's remark page 15 Para 3), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the prior art of Wagner teaches a system and method for displaying information in a handheld device where information is displayed in a plurality of cells and the cells are sized in response to the amount of the

information to be displayed in the cells (e.g., see Fig. 8A-8G and [0089] and the above response to argument remarks). The examiner then admits that Wagner does not expressly teach that the display screen is switchable between a small display mode which is substantially square in shape and a tall display mode which is substantially rectangular in shape. However, the prior art of Kato teaches these limitations in Figs. 12-14; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used display mode switching function as taught by Kato to the display of the portable device used to display information as taught by Wagner because Wagner's teaching can be applied to any type of mobile device such as PDA (e.g., see Wagner [0052]). The motivation to combine the teachings of Wagner with Kato is to allow for a relatively larger display area on small devices while still allowing full functionality of the device.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275,277 (CCPA 1968)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00 (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.T
6/25/2007

Lien Tran
Examiner
Art Unit 2179

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SUPERVISORY PATENT EXAMINER